

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2189 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

Subodh Prasad Singh, Son of Late Ram Sagar Singh, Resident of Village - Jaya,
P.S. - Gaighat, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna, Bihar.
2. The District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The O/C, Gaighat P.S., District - Muzaffarpur.
5. The Senior Deputy Collector, Legal Section, Muzaffarpur.
6. Fool Mohammad, Son of Md. Illyas, Resident of Village - Berai Muzaffarpur, P/S - Hathauri, District - Muzaffarpur.

.... Respondents

Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

This writ application has been filed for quashing the notice dated 28.07.2017, vide Annexure-3 issued in connection with Confiscation Case No. 36 of 2016-17 arising out of Gaighat P.S. Case No. 193 of 2016 whereby the Collector, Muzaffarpur has asked the petitioner to explain as to why his Bolero Pick Up Van bearing registration no. BR06G-8076 be not confiscated. Further prayer is for release of the said vehicle as no purpose would be served by its continued detention in police lock up as well as on the ground that authority of the executive to pre-trial confiscation is under challenge before a Larger Bench of this Court in L.P.A. No. 1647 of 2015



(Baleshwar Roy vs. The State of Bihar & Ors.).

After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.4,00,000/- (rupees four lakhs) or document of immovable property standing in the name of the petitioner equivalent to the bank guarantee to the satisfaction of the learned court below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

